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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,894	10/19/2001	Ing-Britt Magnusson	112137 ARE	7314

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 07/01/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,894

Applicant(s)

MAGNUSSON ET AL. *an*

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-5, 8-11, 16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin (6,186,996).

With respect to claims 1 and 9, Martin discloses an absorbent product 1, as shown in figure 1, comprising a front end 8, a rear end 9, and a crotch portion 7. The absorbent product 1 further comprises a liquid permeable surface layer 22', a liquid impermeable surface layer 2, and an absorbent body 4, as shown in figure 4. Liquid barriers 3, as shown in figure 4, extend in the longitudinal direction of the absorbent product 1. Side flaps 10 extend outside the liquid barriers 3, and comprise parts of the surface layers 22' and 2, as shown in figure 4. Elastic elements 16 and 17 extend in the longitudinal direction and are fastened only to the liquid barriers 3, as shown in figure 4. The liquid barriers 3 are fixed to the side flaps 10 in a region 29 between the point of attachment to the absorbent product 1 and the free edge of the liquid barrier 3, as disclosed in column 5, lines 52-54. The liquid barriers 3 are fixed to the side flaps 10

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outside of the top edge of the absorbent body 4, as shown in figure 4. The absorbent product 1 therefore has double raised leakage barriers, as shown in figure 4.

With respect to claim 2, the liquid barriers 3 comprise elastic elements, as disclosed in column 4, lines 14-16.

With respect to claim 3, the side flaps 10 comprise elastic elements, as disclosed in column 3, lines 63-67.

With respect to claim 4, the side flaps comprise liquid barrier material, the liquid impermeable surface layer 2.

With respect to claims 5 and 10, the side flaps 10 comprise parts of the liquid permeable surface layer 22', as shown in figure 4.

With respect to claims 8 and 11, the side flaps 10 comprise parts of the liquid impermeable surface layer 2, as shown in figure 4.

With respect to claim 16, the side flaps 10 comprise part of the liquid permeable surface layer 22' and part of the liquid impermeable surface layer 2, as shown in figure 4.

With respect to claim 18, the elastic elements 16 and 17 are only fastened to the liquid barriers 3, as shown in figure 4.

With respect to claim 19, Martin discloses an absorbent product 1, as shown in figure 4, comprising a liquid permeable surface layer 22', a liquid impermeable surface layer 2, and an absorbent body 4. The liquid permeable and liquid impermeable surface layers 22' and 2 have edges extending in a longitudinal direction of the absorbent product 1, as shown in figure 4. A liquid barrier 3, as shown in figure 4, extend in the

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longitudinal direction of the absorbent product 1. A side flap 10 extend outside the liquid barriers 3, and comprise parts of the surface layers 22' and 2, as shown in figure 4. A single elastic element 17 extends in the longitudinal direction connecting an area adjacent the free edge of the liquid barrier 3 and the side flap 10, as shown in figure 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 12-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (6,186,996) as applied to claim 1 above, and further in view of Yamamoto et al. (5,607,416).

Martin discloses all aspects of the claimed invention with the exception of the liquid barriers comprising the liquid permeable surface layer and the liquid impermeable surface layer.

Yamamoto discloses an absorbent product 1, as shown in figure 1, comprising a liquid permeable surface layer 3, a liquid impermeable surface layer 4, and an absorbent body 5. The absorbent product 1 further comprises liquid barriers 7 and side flaps 11, as shown in figure 1. Both the liquid barriers 7 and the side flaps 11 comprise the liquid permeable surface layer 3 and the liquid impermeable surface layer 4, as shown in figure 2. Forming the liquid barriers 7 and side flaps 11 from the liquid

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permeable surface layer 3 and the liquid impermeable surface layer 4 obviates the need for an additional piece of material and thus reduces the cost of manufacturing.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to form the liquid barriers of Martin from the liquid permeable surface layer and the liquid impermeable surface layer, as taught by Yamamoto, in order to reduce the amount of material needed to construct the absorbent product.

Response to Arguments

Applicant's arguments filed 03 April 2003 have been fully considered but they are not persuasive. Martin (6,186,996) discloses an absorbent product comprising elastic members attached only to the liquid barriers, and separate and distinct elastic members attached only to the side flaps. Martin therefore fulfills all requirements of independent claims 1 and 9, as well as dependent claims 2 and 3. The instant claims do not limit the invention to having only one elastic member attached to either the liquid barrier or the side flap. Multiple elastic members are within the scope of the claim, provided they are attached to only one of the liquid barrier and the side flap.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

CUA
cla
June 18, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700